

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, FEBRUARY 2, 2015**

A Regular Meeting of the Deltona City Commission was held on Monday, February 2, 2015 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

2. ROLL CALL:

Mayor	John Masiarczyk	Present
Vice Mayor	Nancy Schleicher	Present
Commissioner	Heidi Herzberg	Present
Commissioner	Mitch Honaker	Present
Commissioner	Chris Nabicht	Present
Commissioner	Diane Smith	Present
Commissioner	Nancy Soukup	Present
Acting City Manager	Dale Baker	Present
City Attorney	Becky Vose	Present
City Clerk	Joyce Raftery	Present

Also present: Planning and Development Services Director Chris Bowley; Acting Deputy City Manager Gerald Chancellor; and VCSO Captain Brannon.

3. INVOCATION AND PLEDGE TO THE FLAG:

Invocation Presented by Commissioner Smith – Pastor William Bradley, New Hope Baptist Church.

The National Anthem was sung by Ashley Leahy, a freshman at DeLand High.

Mayor Masiarczyk spoke about this week being Crossing Guard Week with February 6th being the actual day it is celebrated and he asked everyone to take time to thank the Crossing Guards for keeping the kids safe. He asked Capt. Brannon to please extend the Commission's appreciation.

B. Additions or Deletions to Agenda:

Commissioner Nabicht asked to add to New Business, setting a date to discuss the senior center and a conceptual design.

4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

1. Approval of Minutes – Regular City Commission Meeting of January 20, 2015.

Motion by Vice Mayor Schleicher, seconded by Commissioner Herzberg, to approve the minutes of the Regular City Commission Meeting of January 20, 2015 as presented.

Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For;

1 **Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.**

2
3 **5. PRESENTATIONS/AWARDS/REPORTS:**

4
5 **A. Presentation – Super Star Student of the Month Certificates for January 2015.**

6
7 Mayor Masiarczyk and the Commission presented Certificates of Recognition to the Super Star
8 Students for the month of January, 2015.
9

10 **B. Presentation – Quarterly Reports of City Advisory Boards/Committees.**

11
12 Chairman Rick Demeter submitted a Quarterly Advisory Board report for the Deltona Economic
13 Development Advisory Board (DEDAB) and presented reports on DEDAB Sub-Committees covering
14 the fourth quarter of 2014.
15

16 The Quarterly Advisory Board reports for both the Planning and Zoning Advisory Board and the
17 Firefighters Pension Board of Trustees are written reports only.
18

19 **Motion by Commissioner Nabicht, seconded by Vice Mayor Schleicher to accept the Quarterly**
20 **Reports as published.**
21

22 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**
23 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For;**
24 **Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.**
25

26 **6. CITY COMMISSION SPECIAL REPORTS:**

27
28 Commissioner Herzberg reported that she attended the Team Volusia Economic Annual Meeting,
29 the Florida League of Cities (FLOC) Dinner where the speaker spoke about legislative issues,
30 mandates, dollars being spent or not coming down from Tallahassee that effect a lot of the cities and
31 the ethics training. She stated the Boys and Girls Club met to discuss funding but, she was unable to
32 attend and if anything comes through that is notable she will pass it on to the Commission.
33

34 Mayor Masiarczyk reported that he attended the ethics training that is now an annual requirement by
35 the Legislature of four (4) hours of training and that he was proud of the good turnout. He stated he
36 felt the training was good especially for the new Commissioners.
37

38 Commissioner Honaker stated under the Commission Policy CC#99-003, the Commission is
39 required to make a report after a trip on what the Commission approved for the funding and that he
40 felt the ethics training was an excellent training experience covering government structure, home
41 rule, ethics and budget.
42

43 Mayor Masiarczyk reported at the River to Sea TPO (Transportation Planning Organization) that he
44 brought up the letter that was sent to Chairman Davis regarding the Hwy 442 connector between I-
45 95 and the City of Deltona and Councilman Patterson stated it was going to be discussed at the
46 Executive Board this week because there is interest from other cities. He stated the goal of the City
47 of Deltona and the City of Edgewater is to hook Hwy 442 up with Howland Blvd. or Ft. Smith Blvd.
48 and there is planning money that is available for that plan. He stated on February 27th Bethune

1 Cookman College (BCC) graduations starts at 6:00 p.m. and Daytona State College's graduation is
2 tentatively set for February 13th. He stated he would like to offer the use of the Commission
3 Chambers on February 27th and in the future for these types of events. He stated he also brought up
4 at the meeting signage to help with detours through Deltona in case of accidents on I-4 when the new
5 construction begins and received a good response. He also spoke about organization doing a study
6 on pedestrians and putting out a brochure, and he attended a technical meeting that took place on
7 January 29th about Blue Springs Run and the Basic Management Action Plan dealing with manatees
8 and water flows. He stated there was a room full of water hydrologists and scientists for whom the
9 information was worthwhile but, that group will be going after septic tanks and the City needs to be
10 at those meetings.

11
12 Commissioner Nabicht asked if a copy of the letter that was sent to Chairman Davis and the County
13 Council had been sent to Congressman Mica and Mayor Masiarczyk replied it had been sent to all
14 the County Council Members, Congressman Mica, Representative Santiago, anyone who would
15 have a hand in funding and he even made copies to give to various planning agencies.

16
17 Commissioner Herzberg stated while attending the Team Volusia Meeting she discussed this topic
18 with elected officials from the City of Edgewater and Deputy County Manager Mary Anne Connors
19 and the first step is for the County to okay whether or not to allow discussion of the topic related to
20 the Hwy 442 connector and the County's suggestion was to talk to the City of DeLand who is
21 hosting the West Volusia Summit on February 21st and make that a possible summit topic. She
22 stated if it becomes a topic for the summit the City of Edgewater should be notified so it can have a
23 representative attend and Mayor Masiarczyk suggested contacting the Mayor of Edgewater. He
24 stated there was a comment in the paper made by the County Chairman that the discussion on the
25 topic may not be needed because there was a plan in effect but, the plan in effect was just some talk
26 about using Maytown Rd. He stated he had not spoken with the County Chairman but, Maytown
27 Rd. is way south of Deltona and will not be a solution for an evacuation route; it should be a more
28 direct route similar to Hwy 442 between Edgewater and I-95. He stated Farmton is not going to start
29 building for another 11-12 years and he has invited Glen Storch who is the attorney for Farmton to
30 be at that meeting so he can lend a voice from Farmton.

31
32 Mr. Baker stated there will be a meeting on Friday with the Mayor of Edgewater and Mary Anne
33 Connors. Also, invited was Glen Storch who has not responded as of today's date.

34
35 Commissioner Nabicht stated for the public that the City is just looking for the study to be done as
36 the \$800,000 was already appropriated for a limited access highway through Congressman Mica
37 several years ago. He stated it was killed at that time by the County but, times have changed and it
38 now can be an economic tool.

39
40 **7. PUBLIC FORUM – Citizen comments for items not on the agenda.**

41
42 a) Michael Putkowski, 2736 Courtland Blvd., Deltona, stated his concerns on homelessness and
43 the working poor in Deltona, and he provided information for each of the Commissioners to review. He
44 spoke about demographics of Deltona and the need for transitional housing.

45
46 Commissioner Herzberg commented she appreciated Mr. Putkowski's hard work and what the
47 Commission needs to do is develop a plan for homelessness.
48

1 Mayor Masiarczyk spoke about an article in this month's Governing Magazine about different ways to
2 address homelessness such as using encampments instead of building large elaborate buildings. He
3 thanked Mr. Putkowski for bringing this issue to the Commission's attention and he stated he would get
4 copies of the article to the Commissioners.

5
6 Commissioner Smith thanked Mr. Putkowski but, she commented the Commission needs to address the
7 Strategic Plan and get the Commission's priorities in order because of the budget. She stated she felt
8 this is a very important topic that should be considered when the Commission starts talking about the
9 Strategic Plan.

10
11 b) Joseph Gonzalez, 329 Wisteria Ct., Deltona, stated he received an extremely high water bill for
12 the month of December and after working with customer service he realized it was not going to go
13 away. He stated he has followed the procedures but, he is asking for the City's help.

14
15 Mayor Masiarczyk stated he will speak with Mr. Baker to see if there are any other ideas on what to do
16 with his water bill issue.

17
18 Commissioner Herzberg asked if the meter could be replaced and Mr. Gonzalez replied the meter had
19 been replaced on January 21st and the flow has been about average.

20
21 c) Ben Stillwell Hernandez, 2138 Watersedge Drive, Deltona, stated he was with the Community
22 Life Center and he spoke about social services and that he looks forward to helping the City develop the
23 Strategic Plan and possibly find ways to help serve the community.

24
25 **8. CONSENT AGENDA:** None.

26
27 **9. ORDINANCES AND PUBLIC HEARINGS:**

28
29 **A. Public Hearing - Ordinance No. 33-2014, an amendment to the Capital Improvements**
30 **Element (CIE) of the City's Comprehensive Plan.**

31
32 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

33
34 **Motion by Commissioner Honaker, seconded by Commissioner Herzberg to approve**
35 **Ordinance No. 33-2014, that amends and updates the Deltona Comprehensive Plan Capital**
36 **Improvement Element and the Five-Year Schedule of Capital Improvements, at second and**
37 **final reading.**

38
39 City Attorney Becky Vose read the title of Ordinance No. 33-2014.

40
41 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE**
42 **COMPREHENSIVE PLAN OF THE CITY OF DELTONA, BY AMENDING THE CAPITAL**
43 **IMPROVEMENTS ELEMENT PROVIDING FOR THE REPLACEMENT OF THE**
44 **CAPITAL IMPROVEMENT PROJECT SHEETS; FINDING CONFORMITY WITH STATE**
45 **STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN**
46 **EFFECTIVE DATE.**

47
48 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**
49 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For;**

1 **Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.**

2
3 Ordinance No. 33-2014 was adopted at 7:22 p.m.

4
5 **B. Public Hearing - Ordinance No. 01-2015, amendment to the Office Residential (OR)**
6 **Zoning District.**

7
8 Mayor Masiarczyk opened the public hearing.

9
10 Mayor Masiarczyk stated the City has had requests about the restrictions that are in place that make
11 it hard or impossible to take transitional residential and use it in a commercial or business type
12 setting. He stated this ordinance is an attempt to loosen some of the restrictions or bring the
13 restrictions more in line to be able to utilize some of these homes that are in areas that are better
14 suited to a commercial or business type zoning.

15
16 Mayor Masiarczyk closed the public hearing as there were no public comments.

17
18 Mayor Masiarczyk stated he had concerns and he asked under “assisted living” is it needed to put in
19 the ordinance language “approved” or is it just “assisted living”. He asked Mr. Bowley if the facility
20 would have to have a license and Mr. Bowley replied that would be correct. He asked for an
21 explanation of the changes made on Page 35, Line 8, (c) Conditional uses, where it starts out
22 “Communication antennas and towers” and the following language was added “that are up to” and
23 the word “over” was removed and he suggested that the word “or” be added so it would read “that
24 are up to or over 70 feet”. He stated the City used to allow antennas and towers over 70 feet in
25 residential areas and Mr. Bowley replied in certain parts of the City that is allowed, however, this
26 district is intended to be more transitional in nature and more compatible with low density
27 residential. Mayor Masiarczyk asked to clarify if the intent is to limit to 70 feet and Mr. Bowley
28 replied yes.

29
30 The Commission and staff discussed the height requirement to include if there was an agreement
31 regarding adding the word “or”, whether or not the Planning and Zoning Board discussed the issue,
32 whether the change is needed and the change being part of the proposed application brought before
33 the Planning and Zoning Board.

34
35 The Commission and staff discussed the term “group home facility” to include in other City
36 ordinances the term “group home” being defined as “licensed and approved” group homes, whether
37 or not to add the word “licensed” to the ordinance language, the difference between “group homes”
38 and “sober homes”, the Commission being proactive in looking at legal ordinances/resolutions to
39 tighten up some of these regulations as the State does not have any regulations, the term “group
40 homes” already existing in the ordinance when it was presented to the Planning and Zoning Board
41 and it being tightened by putting in “facility” per Section 110.817(l) to refer back to the group home
42 section of the Code, the OR zoning within the City and the definition of “group home” in Chapter
43 70-30 of the Code, group homes having to be on an arterial road in the City and most of the OR
44 zoning does not front on arterial roads and sober homes not being defined by Florida Statute and
45 group homes are.

46
47 Mrs. Vose replied the City has to treat the group homes as residences but, there are distance
48 requirements per Florida Statutes and based on what she is hearing from the Commission she will be

1 researching a specialized ordinance having to do with sober homes. Commissioner Nabicht stated
2 he believed the City would have to be careful with this because it may affect the eligibility for
3 grants.

4
5 The Commission and staff discussed whether legally the term group home could be removed from
6 the ordinance, group homes being allowed under Florida Statutes in residential districts as long as
7 long as the distance requirement is met irrespective of whether the City lists the requirements or not
8 because of being considered residences.

9
10 Commissioner Herzberg asked for assurance in reference to the distances that any changes the City
11 makes in this ordinance will not allow better access for group homes and Mrs. Vose replied she
12 would recommend striking the term “group home” at that point because if the City has it as a
13 conditional use there might be some implication that could go irrespective of the requirement. Mr.
14 Bowley suggested after hearing the Commissioners’ concerns he should look at group homes,
15 community residential homes and sober homes separately from the zoning ordinance here and make
16 an amendment to this ordinance later.

17
18 Vice Mayor Schleicher asked if under the Florida Statutes group homes are allowed with or without
19 being licensed because if “licensed” is required then the City just needs to add that language and
20 Mrs. Vose replied the homes must be licensed. Mrs. Vose recommended just taking out the term
21 “group home” because a licensed facility can come in anyway as long as it is within the distance
22 requirements and she added that she would not like to have someone come in because the City has
23 created a conditional use for it.

24
25 Mayor Masiarczyk clarified that the term “group home facility” is to be struck from the ordinance
26 and to add “or over 70 feet”.

27
28 Commissioner Nabicht stated there is a need for group home facilities and the City needs services
29 provided in the community for the underprivileged but, the City needs to be more educated on what
30 level of service should be provided.

31
32 **Motion by Commissioner Nabicht, seconded by Commissioner Honaker to table Ordinance**
33 **No. 01-2015, for staff to rework and bring it back to the Commission for approval.**

34
35 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**
36 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Smith, For;**
37 **Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.**

38
39 **10. OLD BUSINESS:**

40
41 **11. NEW BUSINESS:**

42
43 **A. ADD-ON AGENDA ITEM - Request to set a date to discuss the senior center and a**
44 **conceptual plan.**

45
46 Commissioner Nabicht asked to set a date for a workshop and that staff have some examples of
47 senior centers in other communities. He suggested the City could have a stand-alone senior center, a
48 multi-use type of facility or a combination facility with a banquet hall to include a separate section

1 that is dedicated to a senior center for use on a daily basis. He stated he would like to be able to
2 come up with a conceptual drawing to give a basic idea to the City's contracted architect to do a
3 basic floor plan and some elevations so the City will have something to show when meeting with
4 partners or entrepreneurs. He suggested at least an hour for discussion at a workshop meeting would
5 be needed. Mr. Baker stated he would be meeting with the Council on Aging (COA) on the issue on
6 Friday.

7
8 Commissioner Herzberg questioned the timeline for receiving the funds from the Jablonski estate
9 and Mr. Baker replied three (3) years. Commissioner Herzberg agreed with Commissioner Smith,
10 that the City needs a Strategic Plan and would like to have a Strategic Planning session set up as
11 soon as possible and both Mayor Masiarczyk and Commissioner Smith suggested a Saturday
12 session.

13
14 Commissioner Smith stated the Commission had received an email from Tom Burbank with the
15 Planning & Zoning Board regarding some ideas he had on where to put the senior center and she
16 asked if it would be appropriate to invite him to that workshop and Mayor Masiarczyk replied the
17 Commission is aware of Mr. Burbank's proposals that will probably enter into the conversation. He
18 stated the Commission will have to look at available land, what facilities are available, what the City
19 could buy or ask for and the size needed for the facility.

20
21 Commissioner Nabicht stated he would like the Commission to come up with a vision of what the
22 Commission would like to have, look for partners and have a brainstorming session.

23
24 **12. CITY ATTORNEY COMMENTS:** None.

25
26 **13. CITY MANAGER COMMENTS:**

27
28 **A. Lobbyist Update:**

29
30 Mr. Baker stated the water projects that were requested by the lobbyist have been provided and staff
31 met with the engineers and planners from the Florida Department of Transportation (FDOT) to
32 discuss the retention ponds along Saxon Blvd. He stated FDOT was extremely receptive of three (3)
33 or four (4) of the ideas and will consider those ideas and rework the plans understanding the City
34 does not want retention ponds along Saxon Blvd.

35
36 **13. CITY COMMISSION COMMENTS:**

37
38 a) Commissioner Soukup asked Captain Brannon to confirm the time of the tour for the Volusia
39 County Sheriff's facilities and to resend the invitation. He reminded the Commission that the West
40 Volusia Baseball programs begin this Saturday.

41
42 b) Commissioner Herzberg asked if the "New Business" portion of the agenda where
43 Commissioner Nabicht's addition to the agenda was placed is the same as Volusia County's agenda
44 where it states "Discussion by Council of matters not on agenda" and Mrs. Vose replied she would
45 forward the email with the inquiry she received but, generally at a Commission meeting the
46 Commission can talk about anything and even take votes. Commissioner Herzberg stated on the issue
47 of film permitting that the City should be on the same page with other cities. She asked regarding the
48 meeting with FDOT on Friday, February 6, 2015 whether FDOT had also set up a meeting with the

Commission to discuss Saxon Blvd. and Mayor Masiarczyk replied that meeting had not been set up but, he suggested FDOT attend the West Volusia Summit because I-4 will affect all the cities. She stated after today she believed FDOT wanted to meet with the Commission and she hoped that could happen. She stated the TNR (Trap, Neuter and Release) meeting held on Thursday, January 29, 2015 was well attended and she thanked Mr. Baker for setting it up and the residents for coming out. She asked Mr. Baker what the date is for the Wags & Whiskers Pet Fest at Keysville Dog Park in March and she suggested that a low cost micro-chip clinic be set-up at the event.

c) Commissioner Nabicht stated he had been getting questions about the City not being eligible for grants from the County as it pertains to hurricane windows, energy efficiency and things of that nature and he asked Mr. Bowley if there is a way to remedy that. Mr. Bowley replied he was not familiar with that but, he could get with the City Building Official. The City did receive an Energy Efficiency and Conservation Block Grant (EECBG) for energy efficiencies a number of years ago and for housing grants there is the Neighborhood Stabilization Program (NSP), Community Development Block Grant (CDBG) and State Housing Initiative Partnership (SHIP). He stated he will look into that since one (1) is State and two (2) are Federal to see if there is any preclusion. Commissioner Nabicht stated the Volusia County Manager named four (4) fire stations for closing in the event the County is not able to raise the fire tax and he asked Mrs. Vose to send to the Commission a copy of the Joint Response Agreement, Closest Unit Response Agreement and any other agreements with the County there may be regarding services in the County area and the expiration dates. He stated he has concerns that if the Stone Island station is closed the City of Deltona will be “tapped” to provide primary fire and Emergency Medical Service (EMS) response under one (1) of those agreements that does not include compensation. He stated the Commission may need to make a tough decision on what the City’s position will be regarding response to the City’s neighbors to the South and lastly he wanted to see where the City is with the Certificate of Public Convenience and Necessity (COPCN) application to do Fire Department based transport.

d) Commissioner Honaker commended the Commission on the input for the City Manager advertising and he stated the need to look at the Operating Guidelines and Meeting Rules and Procedures as there are items that need revisiting such in Section Three, Item H, where it states “no action shall be taken on matters not on the agenda, including during citizen comments or Commission comments; however, if necessary, an item may be added to the agenda upon the proper motion, second...” and there should have been a second. He spoke about the Emergency Operations Center (EOC) tour on February 5th at 5:00 p.m., as of January residents who need to attend court services will no longer have to travel to the New Smyrna Beach location and will be able to go to DeLand, Deltona High’s graduation being on May 30th at the Ocean Center and the need to have a place for graduations in Deltona, the City’s vision and mission statement needing to be in every newsletter, Deltona High having a kitchen aid help program to help families in need, Pine Ridge High’s principal John Atkinson being voted Volusia County Principal of the Year, the Opening Day Parade for Little League on Saturday starting at 9:00 a.m. at City Hall with the official ceremony at 9:30 a.m. at Dewey O. Boster Sports Complex and he agreed the Commission needed to work on the Strategic Plan.

e) Commissioner Smith stated for the record the Commission is going to look at the operating procedures at the next workshop and she was the one who voiced concerns with reference to talking about things that are not on the agenda especially controversial things and to follow up on the discussion that it is allowable but, not recommended because her concern is staying within the spirit of the law and to not vote on something without giving public notice. She stated she is still touring departments to get familiar with what they do and offered congratulations on the success of the TNR event.

1
2 f) Vice Mayor Schleicher stated she attended the ethics training, the Central Labor Council
3 Legislative luncheon where she was pleased to see Deltona provided a proclamation, the Team Volusia
4 meeting, the TNR meeting, she will be taking the Volusia County Sheriff's Office (VCSO) tour of the
5 training center, the Healthy Start Coalition luncheon where the City will be receiving the Taking Stride
6 Donor Award and she will be attempting to be one of those who will throw the first pitch at the Little
7 League's opening ceremony and she hopes to get the ball over the plate.
8

9 g) Mayor Masiarczyk stated he finds good articles in the Governing Magazine and he suggested, if
10 there is no objection, looking into the cost of subscriptions for each Commissioner or whether there may
11 be an electronic version available, the Veterans Park having been asked to do weddings, there being
12 three (3) scheduled and the Veterans Community Education Partnership (VCEP) wanting to have
13 something like an arch to do photos. He stated there is no place in Deltona to hold a reception and he
14 asked that the City do it right this time when planning a complex the City can be proud of.
15

16 **14. ADJOURNMENT:**
17

18 There being no further business, the meeting adjourned at 8:19 p.m.
19
20
21

22 _____
John Masiarczyk Sr., Mayor

23 **ATTEST:**
24
25
26

27 _____
Janet Day, Deputy City Clerk